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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,240	12/20/1999	KENNETH C. PILECEK	PILECEK-1	2117
7590	08/19/2005		EXAMINER	
Joseph B Ryan Ryan Mason & Lewis LLP 90 Forest Avenue Locust Valley, NY 11560			TRAN, PHUC H	
			ART UNIT	PAPER NUMBER
			2666	
DATE MAILED: 08/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/467,240

Applicant(s)

PILECEK, KENNETH C.

Examiner

PHUC H. TRAN

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-269 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-269 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the expert (in claim 1); infrared wireless device (in claim 10); telephone (in claim 12); softphone (in claim 13); facsimile machine (in claim 14); facsimile server (in claim 15); PC card (in claim 16); pager (in claim 18); POTS, ISDN, ATM, frame relay (in claim 47) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 49, 51-54, & 57 are objected to because of the following informalities: acronyms "DCIU, MSTP, MIME, PMSP, SNMP, CCITT, RFC" need to define. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-86 are rejected under 35 U.S.C. 102(e) as being anticipated by Henderson et al. (U.S. Patent No. 6327363 B1).

* Note: The claim limitations that employ phrases of the type "adapted to" are typical of claim limitations, which may not distinguish over the prior art. The limitations after the "adapted to" performing a function is not a (consider) positive limitation but only requires the ability to so perform.

- With respect to claims 1, 6, 31, 35-46, 63, 71-74, 77-80 and 82-86, Henderson teaches a method for linking at least one client (202) with at least one expert (e.g. agents in Fig. 2) comprising:

generating at least one concept based on at least one client inquiry to at least one datasource (722 and 734 in Fig. 7B);

comparing the at least one generated concept to at least one expert datasource (col. 11, lines 54-56);

selecting at least one expert from the at least one expert datasource based on the comparison of the generated concept to the at least one expert datasource (col. 11, lines 57-64);
and

linking the at least one expert to at least one client (col. 21, lines 61-63).

- With respect claim 2, Henderson further comprises comparing the at least one client inquiry to the at least one datasource (col. 3, lines 30-35).

- With respect to claims 3 and 7, Henderson teaches selecting at least one preferred communication mode associated with the at least one expert (e.g. the calling from customer).

- With respect to claim 4, Henderson also teaches selecting the at least one expert based on a set of availability rules (e.g. ACD 736 in Fig. 7B).

- With respect to claim 5, Henderson discloses wherein the availability rules comprise rules selected from the group consisting of a most currently available expert, a most easily reachable expert, cost and location (e.g. ADC and vendor's expense).

- With respect to claims 8 and 19, Henderson discloses wherein the at least one client device comprises a computer terminal (Fig. 1).

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- With respect to claims 9-10, 20-21, & 67, Henderson discloses wherein the at least one client device comprises a wireless device (col. 7, line 41).

- With respect to claims 11 & 22, Henderson discloses wherein the wireless device comprises an optical signaling, wireless device (col. 7, line 41).

- With respect to claims 12 & 23, Henderson also teaches wherein the at least one client device comprises a telephone (202 in Fig. 2).

- With respect to claims 13 & 24, Henderson teaches wherein the at least one client device comprises a softphone (Fig. 1).

- With respect to claims 14 & 25, Henderson teaches wherein the at least one client device comprises a facsimile machine (Fig. 1).

- With respect to claims 15 & 26, Henderson teaches wherein the at least one client device comprises a facsimile server (Fig. 1).

- With respect to claims 16 & 27, Henderson disclose wherein the at least one client device comprises a programmable PC card (Fig. 1).

- With respect to claims 17-18 & 28-29, Henderson further teaches wherein the at least one client device comprises a personal communications device (Fig. 1).

- With respect to claim 30, Henderson teaches wherein generating the at least one client concept comprises parallel processing (e.g. Fig. 2 shows multiple users are processed).

- With respect to claim 32, Henderson also teaches wherein generating at least one concept comprises neural network processing (e.g. the language).

- With respect to claims 33 & 34, Henderson further teaches wherein the at least one datasource comprises structured or/and unstructured data (e.g. the source in Fig. 2 has data and voice).

- With respect to claims 47 & 55, Henderson teaches wherein the telephony protocol comprises a protocol selected from the group consisting of POTS, ISDN, voice over Internet, ATM, frame relay, an analog protocol and a digital protocol (Fig. 1 shows the Internet protocol).

- With respect to claims 48 & 69, Henderson discloses wherein the analog protocol comprises a time domain multiplexed protocol (e.g. the time schedule of customer call).

- With respect to claim 49, Henderson explicitly fails to teach wherein the digital protocol comprises a DCIU protocol, but it is inherently to know that the DCIU can be implement into Henderson's invention for communication between client and server.

- With respect to claim 50, Henderson further comprises linking the at least one client device to the at least one expert device using an electronic mail protocol (e.g. Fig. 6 show fax).

- With respect to claims 51-54, 56-57, 59, 61, 62, 64, 66, & 68, Henderson explicitly fails to teach wherein the electronic mail protocol comprises a protocol selected from the group consisting of SMTP, SMTPNIME, SMTP/PMSP, and SNMP; a protocol determined by an Open Systems Interconnect electronic messaging CCITT X.400/500/700 standard, but it is inherently to know that the electronic mail protocol of Henderson comprise a protocol from above for communication between client and server.

- With respect to claim 58, Henderson further comprises linking the at least one client device to the at least one expert device using a facsimile protocol (Fig. 1).

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- With respect to claim 60, Henderson teaches wherein the facsimile protocol comprises an Internet mail protocol (Fig. 1).

- With respect to claim 65, Henderson discloses wherein the data communications protocol comprises a modem protocol (Fig. 1).

- With respect to claims 70, 75-76, & 81, Henderson teaches wherein the at least one datasource and at least one expert datasource are part of the same/different network (Fig. 2).

Response to Arguments

5. Double rejection is withdrawn.

6. Applicant's arguments with respect to claims 1-269 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fisher et al. (U.S. Patent No. 6535600 B1) discloses system for automatically routing calls to call center agents in an agent surplus condition based on service levels.

Dhir et al. (U.S. Patent No. 6553133 B1) discloses system and methods for call decisioning in a virtual call center integrating telephony with computers.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (571) 272-3172.

The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
8/17/05


DANG TON
EXAMINER